

9 FAM 41.103 Notes

(TL:VISA-387; 04-09-2002)

9 FAM 41.103 N1 Form DS-156, Nonimmigrant Visa Application

(TL:VISA-387; 04-9-2002)

Form DS-156, Nonimmigrant Visa Application, *previously known as the OF-156* is the application form prescribed under INA 222(c), and is also used as an index card. *Posts should begin to use the new Form DS-156, which is designed for 8.5 x 11 or A4 paper, as soon as possible. In the aftermath of the September 11 terrorist attacks, posts should no longer use the Form OF-156. All remaining Form OF-156 stock should be destroyed. Posts may obtain the Form DS-156 from the website at <http://forms.a.state.gov>. The form is also available to the general public on www.state.gov.*

9 FAM 41.103 N1.2 Retention of Form DS-156, Nonimmigrant Visa Application

(TL:VISA-347; 01-15-2002)

See 9 FAM Appendix F, 101, Files of Issued Nonimmigrant Visas, for instructions on the retention and disposition of Form DS-156, Nonimmigrant Visa Application.

9 FAM 41.103 N2 Definition of "Making a Visa Application"

(TL:VISA-387; 04-09-2002)

For a nonimmigrant visa applicant, making a visa application means "submitting for formal adjudication by a consular officer of a completed Form DS-156, Nonimmigrant Visa Application with any required supporting documents and the requisite processing fee or evidence of the prior payment of the processing fee when such documents are received and accepted for adjudication by the consular officer."

9 FAM 41.103 N2.1 What Constitutes Visa Application

(TL:VISA-387; 04-09-2002)

Information submitted for the sole purpose of scheduling an appointment does not constitute a visa application. A Form DS-156, Nonimmigrant Visa Application submitted at the time an appointment is scheduled, however, does constitute an application if the scheduling process involves substantive actions or pre-screening.

9 FAM 41.103 N3 Applicant to Provide All Names by Which Known

9 FAM 41.103 N3.1 Applicant's Names to Be Entered on Form DS-156, Nonimmigrant Visa Application

(TL:VISA-387; 04-15-2002)

a. An applicant's first, middle and family names should be recorded on Form DS-156, Nonimmigrant Visa Application exactly as they appear in the applicant's passport. In addition, the application should include any other names by which the alien has ever been known; for example, maiden, religious, or professional name, or aliases. The applicant's name must also be provided not only in English phonetics but also in the native linguistic characters, that is, Chinese, Arabic, etc., if required for clearances.

b. *In certain cultures, an applicant may not have a first name, but only a surname. In such cases please refer to 9 FAM 41.113 PN1.3.*

9 FAM 41.103 N3.2 All Names to be Included in Advisory Opinion Requests

(TL:VISA-2; 08-30-1987)

All names by which an alien has been known should be included in reports or requests for advisory opinions submitted to the Department.

9 FAM 41.103 N4 Application by Alien Unable to Write

(TL:VISA-347; 01-15-2002)

If the applicant is illiterate or is, otherwise, unable to provide a signature, the placing of the applicant's mark in the space provided on Form DS-156, *Nonimmigrant Visa Application* for signature is acceptable, if done in the presence of the consular officer.

9 FAM 41.103 N4.1 When Form DS-156, Nonimmigrant Visa Application Completed by Other Than Applicant

(TL:VISA-347; 01-15-2002)

The Form DS-156, *Nonimmigrant Visa Application* for an alien under 16 years of age, or one who is physically incapable of completing an application, may be completed and executed by the alien's parent or guardian. If the alien has no parent or guardian, then the Form DS-156 may be completed by any person having legal custody of, or a legitimate interest in, the alien.

9 FAM 41.103 N5 Consular Officer Must Initial Application

(TL:VISA-2; 08-30-1987)

The examining consular officer is required to initial all application forms. The initials indicate that the initialing officer determined the eligibility and proper classification of the applicant, unless the visa is refused and a notation of the refusal is made on the application.

9 FAM 41.103 N6 Instituting a Written Reapplication Policy

(TL:VISA-183; 12-18-1998)

Posts, which receive numerous reapplications from persons recently refused under INA 214(b), may request the Department's concurrence to institute a written reapplication policy. In accordance with this policy, an applicant who has been refused under INA 214(b) may not reapply in person for one year. A limitation of two years can be granted to posts in special circumstances. The number of written reapplications a person may submit should not be limited. [See 9 FAM 41.121 PN2.1.]